



FRESNO FIRE DEPARTMENT
Fire Prevention and Investigation Division

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Standard Operating Procedures

701 FIREWORKS STAND

Effective: January 2012

Subject: FIREWORKS STAND REQUIREMENTS/ILLEGAL FIREWORKS

Scope: Possession, use, storage, sale and/or display of Safe and Sane and/or Illegal fireworks.

Purpose: To outline and clarify the Fresno Fire Department's policy regarding the possession, sale, use and/or display of Safe and Sane and/or Illegal fireworks.

Reference: California Health and Safety Code, Section 12500; Government Code, Section 53069.4; Health and Safety Code, Section 12557; Health and Safety Code, Section 12706; and Health and Safety Code, Section 12505; City of Fresno Municipal Code, Section 10-53302.

Safe and Sane Fireworks:

An organization or corporation interested in selling Safe and Sane fireworks within the City of Fresno must first obtain a current Fresno Fire Department fireworks stand application from any fireworks vendor registered with the California State Fire Marshal.

The fireworks stand application will be available to the fireworks vendors beginning **January 1, 2012**, or the first business day thereafter, on line at:

<http://www.fresno.gov/Government/DepartmentDirectory/Fire/FirePreventionandInspections/Firework+Sales.htm>.

The completed applications, shall be returned to the Fresno Fire Department Prevention Division, by the fireworks vendors, by 2:00 p.m. on the **third Wednesday of February**.

**Second-year permit holders do not need to turn in
an application for their second year.**

To ensure acceptance of the application, the following must be provided and approved:

1. **Name of Organization:** Provide the complete title of the organization. Do not use abbreviations.
2. **Organizations Headquarter Address:** Provide the physical address of the organization's headquarters. This address must be located within the City limits of Fresno (no P.O. boxes).
3. **Contact Persons:** List two officers of the organization and provide a minimum of two contact phone numbers for each officer.
4. **Federal Tax ID Number:** Fill in the organization's Federal Tax ID number and the state in which the tax exemption was issued. **(Copies are no longer required.)**

Take the following steps to verify all Federal Tax ID numbers prior to submittal of the application to the Fresno Fire Department:

- Go to: <http://www.irs.gov/taxstats/charitablestats/article/0,,id=97186,00.html>. (If you are in this document electronically, hold the CTRL key and click on the link.)

- Once on the website, scroll down to the boxes which contain the Excel tables for each state.
 - Under the state in which the tax exemption was issued, click the letter which corresponds with the name of the organization. This will open an Excel spreadsheet. While in the Excel spreadsheet hold down the CTRL button on your keyboard and press the “F” key. This will bring up a “find and replace box”.
 - Search by Tax ID number. Type in the Tax ID number without any dashes and click Find Next. If the Tax ID number is in the spreadsheet it will take you to that cell.
 - Scroll to the left to verify the name. Do not verify by the organization name without verifying by the Tax ID number.
 - If an organization is not listed on the IRS website, it is the responsibility of that organization to inquire with the IRS as to why they are not listed. If an organization is not on the IRS website, by the application due date, they will not be considered for the current year’s lottery drawing.
5. The application must be accurately completed, legible, signed (by both vendor and non-profit organization), and submitted no later than the due date above.
 6. All organizations or corporations interested in obtaining a permit to sell Safe and Sane fireworks must meet all the provisions set forth in this entire Section and the provisions in the Fresno Municipal Code.
 7. No organization shall submit more than one application per permitting season. Submittal of more than one application shall be grounds for denial of all applications.
 8. Federal Tax ID number will be verified to ensure duplicate Tax ID numbers have not been submitted. If a duplicate Tax ID number is found, a random pre-drawing will take place with the duplicates to determine the one organization which will remain in the lottery.
 9. Vendors will bring the applications to be reviewed on the **third Wednesday of February** no later than 2:00 p.m. Applications will be reviewed by Fire Department personnel and vendors will be notified of any corrections needed or denial of applications within 72 hours. Corrected applications will be due by the fourth Monday of February, or the first business day thereafter, by 4:00 p.m.
 10. If the fireworks stand application is denied for any reason, the organization will not be entered into that year’s lottery drawing.
 11. Once an application has been successfully submitted and approved, the organization will be assigned a number for the lottery drawing.
 12. Not meeting all requirements in this section or in the Fresno Municipal Code, by the due date and time, will be grounds for denial of the application.
 13. The final decision for denial or approval of a fireworks application will be up to the Fire Chief or designee.

Lottery:

1. Each year the lottery drawing will result in up to 50 new fireworks stand participants who may become eligible for a two-year fireworks stand permit.
2. The lottery will take place at the Fresno Fire Department, Fire Prevention and Investigation Division conference room (911 H Street), on the **fourth Wednesday in February at 10:00 a.m.**
3. Fresno Fire Prevention and Investigation personnel will place the ping pong balls with the participants’ assigned numbers in the “Squirrel Cage” for the drawing. A representative from the Fresno Fire Department, Fire Prevention and Investigation Division will then spin the cage and select 50 new participants. (Additional numbers will be selected in order to establish an alternate list.)

4. On the day of the drawing, the vendors will receive a list of organizations and their corresponding numbers.
5. Once the 50 new organizations are drawn, the fireworks vendors will then assume responsibility to contact all the organizations and assist them in completing all necessary documents in order to obtain a permit to sell Safe and Sane fireworks.
6. Supplemental documentation and requirements will be available on our website at <http://www.fresno.gov/Government/DepartmentDirectory/Fire/FirePreventionandInspections/Firework+Sales.htm>.

Additional Supplemental Documentation Required:

The following list of supplemental documentation is due the ***first Wednesday in May, no later than 3:00 p.m.*** **Vendors** are to bring the following completed supplemental documents to the Fresno Fire Department Prevention Division for review by Fire Department personnel. Vendors will be notified of any corrections needed within 72 hours.

1. "Fireworks Stand Location and Fireworks Storage Location form". **(Appendix A)**
 - Fireworks stands will be allowed only on property in the City of Fresno which is currently developed and zoned for commercial use C-1 thru C-6 & CP. Public safety, ingress, egress, and adequate parking will be additional factors considered by the Fire Department before approving any site for fireworks sales.
2. A currently dated "Property Owner's Release", signed by the property owner, giving permission to erect a fireworks stand on their property. This form shall include the following:
 - The organization to which permission is being granted.
 - The property address for which permission is being granted.
 - Verbiage stating the organization has permission to use the property for the location of a fireworks stand.
 - Property owner's name and address.
 - Property owner's signature and current date signed.
3. Throughout the life of the permit, the applicant shall pay for, and maintain in full force and effect, policies of insurance as required by the City of Fresno Risk Manager. The policies of insurance shall name the City of Fresno, its officers, officials, agents, employees, and authorized volunteers as additional insureds. The applicant shall submit current proof of insurance in a manner authorized by the City of Fresno Risk Manager. **(Appendix B)**
4. A dimensioned site plan (not to scale) containing all of the following:
 - Drawing that indicates all areas within one hundred feet (100') of the proposed fireworks stand.
 - Drawing that indicates all areas within one hundred feet (100') of the proposed and storage container (if storage is located at the same location as the fireworks stand).
 - Drawing that indicates all adjacent buildings, property lines; burnable materials, grass or vegetation is not within thirty-five feet (35') of the fireworks stand.
 - Drawing that indicates any gasoline pump or distribution point is at least one hundred feet (100') from the fireworks stand.
 - Drawing that indicates the fireworks stand location is at least ten feet (10') from any public roadway or public sidewalk.
 - Drawing that indicates the storage container is at least thirty-five feet (35') from the fireworks stand and any other building.
5. Every fireworks stand for permit shall be accompanied by an Office of the State Fire Marshal Retail Fireworks Application (with current year's sticker).
6. Each applicant shall submit a Temporary Seller's Permit valid through the end of the organization's sales date.

7. Each applicant shall execute an Indemnification and Hold Harmless Agreement as required by the City of Fresno Risk Manager. **(Appendix C)**
8. Every application for a permit shall be accompanied by a nonrefundable application fee established by resolution of the Fresno City Council and set forth in the Master Fee Schedule. This application fee shall be in addition to any fee or tax imposed by any other chapter or article of the Fresno Municipal Code or within this Section. The 2012 fireworks season permit will be six hundred and twenty-six dollars (\$626.00 or current fee) made payable to the City of Fresno. This is a non-refundable sum. Each permit shall be for only one (1) fireworks stand per eligible organization.
9. Any supplemental documentation originally submitted on the ***first Wednesday in May*** which was incorrect or incomplete will be reviewed again on the ***third Wednesday in May*** by appointment only. Appointments will start at 8:30 a.m. and end at 3:00 p.m. Supplemental documentation will be reviewed while the vendor waits.

If there are any changes which have to be made after the ***third Wednesday in May***, a consultation fee will be due before the changes will be accepted. The consultation fee is based on the current Master Fee Schedule. Changes will be verified by appointment only.

When all application requirements have been completed, the fireworks stand location has been approved and Risk Management has approved the insurance certificate, the Fire Department shall authorize erection of a fireworks stand.

The Use of Alternates:

1. If one of the 50 newly selected organizations or 50 previous organizations resigns or loses its position to sell Safe and Sane fireworks, an alternate may be chosen. It will be the vendor's responsibility to contact the Fresno Fire Prevention and Investigation Division if an alternate position becomes available. If the Fresno Fire Department Prevention and Investigation Division is not notified or the due dates have passed, the slot will remain vacant for the fireworks season.

Operator Safety Seminar:

1. Each year, one or more representatives from each organization or corporation that is granted a permit to sell and/or display fireworks shall attend a stand operator safety seminar conducted by the Fresno Fire Department Prevention and Investigation Division and/or the fireworks industry. Failure of an organization or corporation to have a responsible individual attend the seminar shall result in the revocation of their permit to sell and/or display fireworks;

Inspection Appointment: ORGANIZATION RESPONSIBILITY

1. The organizations which have successfully submitted approved documentation will be responsible for calling Inspector Marquez at the Fresno Fire Prevention and Investigation Division (559) 621-4161 to schedule the date and time of their organization's initial fireworks stand inspection. The organization may ONLY call Inspector Marquez on the ***fourth Wednesday in May, between the hours of 8:30 a.m. and 1:00 p.m. the same day.***
 - These appointments are limited and will be assigned on a first-come, first-served basis;
 - Appointments will be scheduled as follows:

June 28	8:00 a.m. - 4:00 p.m.
June 29	8:00 a.m. - 4:00 p.m.
July 2	8:00 a.m. - 12:00 p.m.
 - Appointments will be available every half hour.

Fireworks Stand Inspection:

1. The initial inspection will be conducted on the day and time the organization has previously agreed to. There will be no inspections or re-inspections conducted after July 2 at noon.
 - a. If a re-inspection is needed, appointments will be conducted on a first-come, first-served basis.
 - b. Re-inspection will not be conducted until the re-inspection fee has been paid. The re-inspection fee is based on the current Master Fee Schedule.
 - c. If the appointment date or time needs to be changed from the originally scheduled date or time, a consultation fee will be charged to change the appointment. Consultation fee is based on the current Master Fee Schedule.
 - d. These fees are payable to the City of Fresno, FIREWORKS, and must be submitted to the Fresno Fire Department, Fire Prevention Fireworks Coordinator.
 - e. Once the fee is paid, the organization needs to schedule the re-inspection date and time with the Fireworks Coordinator.
2. See **Appendix D** for a list of items which will be verified at the time of the initial inspection and during the daily inspections conducted by Fire Prevention personnel;
3. Permits are only effective after the Fresno Fire Department Prevention and Investigation Division has conducted the initial inspection confirming compliance with all requirements.
4. Once the permit is issued, it must be posted in a conspicuous location inside the fireworks stand during times of operation, along with the following:
 - State Fire Marshal's license.
 - Temporary Seller's Permit from the State Board of Equalization.
 - Certificate of Insurance.
 - Name and contact information of at least two people responsible for the operation of the fireworks stand.
5. Permits are not transferable to any other organization.
6. It is unlawful for any person to sell Safe and Sane fireworks within the City of Fresno without a permit issued by the Fire Chief or designee. If an organization is selling Safe and Sane fireworks without a permit, the individual or organization could face a fine of up to four times the standard permit amount, two thousand five hundred four dollars (\$2,504.00) and face possible criminal charges.
7. It is unlawful for any person to sell or transfer any Safe and Sane fireworks to a consumer or user from any place other than a currently permitted fireworks booth. The sale of Safe and Sane fireworks and/or money(s) for those fireworks shall only be exchanged in a temporary fireworks booth which has been currently permitted by the Fresno Fire Department.
8. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all provisions of these standards.

Temporary Fireworks Stand:

1. All retail sales of Safe and Sane fireworks shall be permitted only from within a temporary fireworks stand. The sale from any other location (building, structure or vehicle) is prohibited.
2. Stands are preferred to be on paved surfaces; however, unpaved surfaces may be approved.

3. No other items, such as food or drinks, shall be sold in conjunction with, inside or within thirty feet (30') of a fireworks stand.
4. Fireworks stands may not obstruct any handicapped parking stall.
5. Fireworks stands need not comply with the provisions of the California Building Code; however, all stands shall be erected under the supervision of the fireworks vendor, who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons.
6. If stands are operated at night, only electric lights may be used and the wiring must be installed by a licensed electrical contractor and shall meet the minimum requirements of the California Electrical Code and the Fresno Municipal Code. Open splices are prohibited and all wiring must be protected from physical damage and weather. Exposed light bulbs shall be protected with covers, cages, or screens.
7. No fireworks stand shall have a floor area in excess of seven hundred fifty square feet (750).
8. Each fireworks stand shall have at least two exits. The exits shall be located and provided on opposite sides. Each exit shall be at least 32" wide, 6'-8" in height, shall swing in the direction of exit travel, and shall be clear at all times.
9. Fireworks stands with three (3) sides and open from the back will not require exits.
10. The frame of a fireworks stand and the lower half can be wood or metal.
11. The area above the display counter can be wire mesh with solid sides or wire mesh all around. The front counter area open for sales shall be located 4' from the bottom edge of the fireworks stand and continue for no more than 18" in height for open area. The lath wire will continue to the roof.
12. The maximum fireworks stand length shall be no longer than thirty two feet (32').
13. One approved multipurpose 2A:10BC portable fire extinguisher must be provided in the fireworks stand sale area. It must be in operating condition with an up-to-date inspection tag indicating that the fire extinguisher has been serviced within the past year.
14. Fireworks stands shall be located on currently developed commercial zoned parcels or a location approved by the Fire Chief or designee. The approved zone designations are: Zoning code C1-C6 and CP.
15. Fireworks signs, sandwich boards, and advertisements shall be limited to the booth and no more than thirty feet (30') surrounding the booth. Starting in the 2011 fireworks season a special provision was made to allow sandwich boards and additional decorations from June 28 until July 6 only.
16. Due to a possible traffic hazard, sales/advertising representatives will not be allowed on traffic medians.
17. Rotating beacons, strobe lights, or similar devices are not allowed.
18. No tarp or canopy shall be attached to or placed within two feet (2') of a fireworks stand; shall not be larger than the fireworks stand; and if the canopy is larger than 20'x20' there shall be a tag on the canopy showing it is flame retardant treated.
19. Fireworks shall not be displayed or moved into the fireworks stand until the first day of allowed sales, on **June 28, at 12:00 p.m.**, or just prior to the initial inspection.
20. All temporary fireworks stands shall be disassembled and removed no later than **July 8, at 5:00 p.m.**

Operation of Fireworks Stand:

1. No person shall sell fireworks to any person under the age of sixteen (16).
2. The sale of Safe and Sane fireworks shall begin no earlier than **noon on June 28** and shall not continue after **noon on July 6** of the same year. The sale of Safe and Sane fireworks shall be permitted only from 9:00 a.m. to 10:00 p.m. daily, except June 28. when the hours shall be 12:00 p.m. to 10:00 p.m.; and July 6, when the hours shall be 9:00 a.m. to noon;
3. No entity other than the permitted organization or corporation shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.
4. No persons other than the individuals (volunteers) who are members of the permitted organization or corporation or the spouses, immediate family, parents or adult children of such members shall sell or otherwise participate in the sale and/or display of Safe and Sane fireworks at such stand.
5. No person shall be paid any consideration by the permitted organization or any wholesale distributor of Safe and Sane fireworks for selling or otherwise participating in the sale of fireworks at such stand, provided, however, that compensation may be paid for security personnel during non-sale hours and to the party authorizing location of the stand on their property.
6. The person responsible for the fireworks stands shall instruct all workers who handle fireworks in any capacity of the hazards and with the rules and safety precautions governing fireworks.
7. Workers shall be trained in emergency procedures, including use of the fire extinguisher (may be tested at random).
8. No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within fireworks stand.
9. All persons involved in the sale of Safe and Sane fireworks shall be at least 18 years of age. Proof must be shown at any time when requested by Fire officials. Failure to produce valid picture identification upon request may result in fireworks sales permit revocation for the remainder of the daily sales period, and/or a fine of one thousand dollars (\$1,000.00). Any person 16 or 17 years old, who is affiliated with the organization, may help stock and work in the fireworks stand but not handle the money or sell Safe and Sane fireworks.
10. Smoking shall be prohibited where fireworks are stored, handled, or sold.
11. No sleeping inside a fireworks stand will be permitted at any time.
12. The premises shall be maintained in a clean, neat, and orderly condition at all times and is free from any condition that would create a fire hazard. Empty boxes are not to be stored behind the fireworks booth.

General Requirements for Permittees:

1. "NO SMOKING" signs shall be prominently displayed on **all sides** of the fireworks stand, in both English and Spanish. Each sign shall have the words "NO SMOKING" in red letters not less than two inches (2") in height with a minimum one-half inch (1/2") stroke on a white background.
2. No fuel-powered or similar equipment shall be allowed within thirty five feet (35') of a fireworks stand.
3. On-site storage of fireworks shall be permitted in approved metal cargo-style containers only (sea-train or ISO conex), at a distance of no less than thirty-five feet (35') from the fireworks stand. Storage of fireworks in the fireworks stand, trucks or vans will be permitted only when there will be 24-hour security or a responsible party on site 24 hours a day.

4. Any other task or item not covered in this standard could be subject to an eighty-one dollar (\$81.00) fee (or current Master Fee Schedule fee) as seen fit by the Fire Chief or designee.
5. Safe and Sane fireworks can be used or discharged in the City of Fresno 365 days a year between the hours of 7:00 a.m. and 8:00 p.m., except for period of June 28 to July 6, when use and discharge will be allowed between the hours of 7:00 a.m. and 12:00 a.m.

Revocation of Permit:

1. The Fire Chief or designee may revoke, immediately and without notice or hearing, the permit of any permittee who violates any section within this Standard or the Fresno Municipal Code.

Safety Flyers:

1. All fireworks vendors will be required to supply the Fresno Fire Prevention and Investigation Division with at least 200 safety flyers per fireworks stand in which they are sponsoring no later than the **first Wednesday in May**.

Administrative Fines:

1. In addition to any other remedy available at law, any person or entity who possesses, uses, stores, sells and/or displays dangerous fireworks or any person or entity who possesses, uses, sells and/or displays Safe and Sane fireworks on or at dates, times, and/or locations other than those permitted by this Section are subject to an administrative fine of not less than one thousand dollars (\$1,000.00) and a disposal fee of two hundred and fifty dollars (\$250.00) for each such offense.
2. Any violation of these regulations or any City of Fresno ordinance, or the terms and conditions of the permit, or State Law or Administrative Regulations, or safety rules of the Fresno Fire Department shall be grounds for immediate revocation of the permit.
3. The officers, agents, and employees of the eligible organization shall be responsible for compliance with all provision of these regulations.

Seizure of Fireworks:

1. The Fire Chief or designee shall seize, take, remove or cause to be removed and destroy, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this standard operating procedure.

Appeal:

1. A citation issued for failure to comply with the provisions of this Section may be appealed pursuant to Chapter 1, Article 4 of the Fresno Municipal Code.
2. The denial of an application for a fireworks permit may be appealed pursuant to Chapter 1, Article 4 of the Fresno Municipal Code. If no appeal is filed within the time prescribed, the action of the Fire Chief or designee shall be final.
3. The administrative citation penalty may become a special assessment or a lien against the property of any person who is issued a citation for violation of the provisions of this Section. This shall include the property of a minor who is issued a citation and/or the property of the parent(s) or guardian(s) having custody and control of the minor. The procedures set forth in Section 1-506 shall be followed for the imposition of a special assessment or lien.

4. A minor and the parent(s) or guardian(s) having custody and control of said minor, are jointly and severally liable to the City of Fresno for any administrative citation and or penalty issued for failure to comply with the provisions of this Standard.

All forms can be found on the City of Fresno website at:

<http://www.fresno.gov/Government/DepartmentDirectory/Fire/FirePreventionandInspections>